

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50110 of 2024

Arising Out of PS. Case No.-35 Year-2000 Thana- BAIKUNTHPUR District- Gopalganj

Prithvi Nath Giri Son of Late Baijnath Giri Resident of Village - Karchauliya,
P.S. - Panapur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.

For the Opposite Party/s : Mr.Umanath Mishra, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with

Sessions Trial No. 724 of 2023 arising out of Baikunthpur

P.S. Case No. 35 of 2000 instituted for the offences under

Sections 324, 326, 307, 302, 34 of the Indian Penal Code

and Section 27 of the Arms Act.

3. As per prosecution case, the accusation has been

made against the petitioner of being a member of the

unlawful assembly and, it is alleged that one of the

members of the unlawful assembly fired at the deceased

causing him death.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case merely on the basis of suspicion. Learned counsel for the petitioner submits that though the petitioner has named in the F.I.R. along with 11 other accused persons and 4 unknown but, from perusal of the F.I.R., it appears that there is no specific or direct allegation against the petitioner of abusing or firing. He further submits that specific allegation of firing has been made upon co-accused Hemant Singh, causing death of the father of the Informant. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The aforesaid Hemant Singh has already been granted by the learned court below itself. No one has seen the petitioner of firing upon the deceased and, only on suspicion, the petitioner has been made accused in this case. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. The petitioner has no concern with the alleged occurrence.



He further submits that prior to the occurrence, the petitioner lived out of State for livelihood and, therefore, he had no knowledge about the case and process under Section 82 and 83 of the Cr.P.C. has been issued and after getting knowledge, the petitioner *suo-motu* surrendered before the court below on 04.09.2023. The petitioner has no criminal antecedent and is languishing in judicial custody since 04.09.2023 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation alleged against the petitioner is serious in nature and thus, he does not deserve bail. He further submits that the charge-sheet has been submitted against the petitioner in this case and cognizance has also been under under Sections 147, 148, 149, 323, 324, 326, 307, 302, 120B of the I.P.C. and Section 27 of the Arms Act. The petitioner has also been declared absconder.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the



case as also taking into account the period of custody of the petitioner and the petitioner having no criminal antecedent, let the petitioner, abovenamed, be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Sessions Trial No. 724 of 2023 arising out of Baikunthpur P.S. Case No. 35 of 2000.

(Rudra Prakash Mishra, J)

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